

Before the Board of Zoning Adjustment, D. C.

Application No. 11591 of Margaret Prendergast, pursuant to Section 8207.2 and 8207.1 of the Zoning Regulations for a special exception to change a non-conforming use from wholesale and retail florist supplies all floors, to storage of restaurant equipment at rear of premises as provided by Section 7104.2 of the regulations and for a variance from the use provisions of the SP Zone to permit sales office and warehouse storage on first floor only as provided by Section 8207.11 of the regulations in the SP District at 1217-19 13th Street, N. W., Lot 26, Square 281.

ORDERED:

That the applicant's request for a change of non-conforming use be GRANTED and applicant's request for a use variance be DENIED.

VOTE:

3-0 (Lilla Burt Cummings, Esq. abstaining, Mr. Harps not present, not voting)

HEARING DATE: March 20, 1974

EXECUTIVE SESSION: June 6, 1974

FINDINGS OF FACT:

1. The subject property is improved by a three story building, roughly 25 x 45 feet in deminsion, located in the SP Zone.

2. The Board finds that a legal non-conforming use exists for the entire building as storage for retail and wholesale florist supplies on all floors.

3. The Board finds that the first floor use was changed by special exception approved by this Board in Order No. 10285, allowing the first floor to be used for sales and display of pianos and repairs incidental to retail piano sales.

4. The Board finds, that the applicant's proposed change of non-conforming use to storage of restaurant equipment above the first floor is a storage use similar to the existing non-conforming use.

5. The Board finds that the applicant proposes to use the first floor as a sales office and retail storage space.

6. a. The office use would need ten or less employees.

6. The Board finds, the first floor was last used as offices for a non-profit corporation under Certificate of Occupancy No. B-82514, issued on July 6, 1972, which corrected the previous non-conforming use of the first floor to a conforming SP Zone use.

7. The Board finds, that the building occupies the entire lot of the subject property.

8. No objection or opposition was registered at Public Hearing.

CONCLUSIONS OF LAW:

Based on the above Findings, the Board concludes, that because the requested change of non-conforming use to a dead storage use is substantially the same as the existing non-conforming use on the second and third floor of the subject property, that the applicant has complied with Section 7104.2 of the regulations and that the proposed change will not have an adverse effect on the neighborhood or impair the intent and purpose of the Zoning Regulations.

As to the applicant's requested use variance, for permission to use the first floor of the subject property as a sales office and room house storage, the Board concludes that the applicant has not demonstrated the existence of a hardship within the meaning of Section 8207.11 of the Zoning Regulations which is necessary in order for the Board to grant a use variance. Without any indication of the existence of a hardship as required by law, the Board is of the opinion that the granting of this variance would be detrimental to the public good and impair the intent and purpose of the Zoning Regulation.

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BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



JAMES E. MILLER
Secretary to the Board

FINAL DATE OF ORDER:

9/6/74

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.